

## **EXHIBIT 13**

**Moffitt, Brian E.**

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**From:** Carr.Brian@epamail.epa.gov  
**Sent:** Wednesday, November 21, 2007 11:10 AM  
**To:** Moffitt, Brian  
**Subject:** Fw: WR Grace POLREP #3 for Phase II

**Attachments:** polrep3.Phase II.pdf; 100\_0314.JPG; 100\_0139.JPG



polrep3.Phase  
II.pdf



100\_0314.JPG



100\_0139.JPG

Attached is POLREP #3 for the Phase II Area removal work being performed by the RPs. The area finally dried out in August and we re-mobilized on Aug 20. Unfortunately it rained for 4 days straight (8/19-8/23) and slowed things down. However, the weather did clear up again and we were able to perform the backfilling. The last part of the field work that needs to be completed is the hydroseeding. PLM results were all ND.

TEM of 10% of these samples is still pending. Hopefully the hydroseeding will take place later this week to wrap things up!

Attached are a couple of before and after pictures also.

Picture 0139 was taken on 11/9/06 on the last day of site activities for Phase II.

Excavation activities were completed on or about 11/1/06.

This area flooded with groundwater and stormwater over a short period of time. Operations were indefinitely suspended due to the high water table.

Picture 0314 was taken on 9/17/07 at the completion of backfilling operations. None of the water in the excavation was pumped out. It all percolated back down to the lowered groundwater table or evaporated over time. Late summer and early Fall, the seasonal groundwater table is historically at its lowest point. This condition allowed the RPs to complete the work without pumping any water. When EPA and the RP's returned to the site on August 20, 2007 the area was devoid of water.

Sampling and backfilling began immediately.

(See attached file: polrep3.Phase II.pdf) (See attached file:  
100\_0314.JPG) (See attached file: 100\_0139.JPG)

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**U.S. ENVIRONMENTAL PROTECTION AGENCY**  
**POLLUTION REPORT**

DATE: September 10, 2007

FROM: Michael Ferriola, OSC, USEPA Region II  
Response and Prevention Branch

*Michael Ferriola*

TO:

E. Mosher, EPA	E. Wilson, EPA
J. Daloia, EPA	G. Zachos, EPA
B. Carr, EPA	W. McCabe, EPA
D. Karlen, EPA	L. Jacobs, Hamilton Twp
D. Mellott, EPA	M. Truono, EPA
P. Seppi, EPA	T. Grier, EPA
L. Escobar, ATSDR	G. Pavlou, EPA
J. Fagliano, NJDHSS	J. Smolenski, NJDEP
M. Mumford, NJDEP	J. Maher, NJDEP
P. Brandt, EPA	K. Fitzgerald, Hamilton Twp
P. Carr, EPA	RST

SUBJECT: WR Grace Site  
Hamilton Twp, Mercer County, New Jersey

POLREP NO.: Three (03) -- (BB-2) RP Removal Action (Phase II Area Soil Excavation)

**I. BACKGROUND**

Site No.:	SK
ERRS Contract No.:	N/A RP Removal Action
Delivery Order No.:	N/A RP Removal Action
Response Authority:	CERCLA/SARA
Response Type:	Time Critical
Incident Category:	Removal Action, Administrative Order on Consent
CERCLIS No.	NJD 067 387 472
NPL Status:	Non - NPL
State Notification:	NJDEP notified
Start Date:	August 28, 2006
Completion Date:	Pending

## II. SITE INFORMATION

### Site Description

The former W.R. Grace/Zonolite facility is located at 35 Industrial Drive, Hamilton Township, Mercer County, New Jersey 08619. The property is identified on the current Hamilton Township tax map as Block 1581/Lot 19. The former block/lot designation was Block 46/Lot 3. This industrial site consists of two parcels of land, one owned by MLB and presently leased to ADDI, and the other currently owned by Amtrak. The overall site was identified as approximately 8.4 acres and formerly contained a large one-story brick building with an office portion, a warehouse structure housing paper and cardboard recycling machines, and a loading dock for off-site shipment of baled paper and cardboard products. The ADDI paper recycling building burned to the ground during a suspicious fire in April 2005. The building debris has since been shipped off-site for recycling or disposal by the property owner. The remaining portions of this industrial property are a parking lot and a heavily wooded area with dense undergrowth vegetation toward the East (near the active Amtrak rail line).

The property formerly leased by W.R. Grace consisted of 8.4 acres and has since been subdivided into two parcels. One parcel, now identified as Lot 19.01, is 4.24 acres and is owned by MLB. The other parcel, Lot 19.02, is 4.17 acres and is still owned by Amtrak railroad. The properties are bordered on the east by railroad tracks, the Amtrak "Millham yard" (Block 1508/Lot 17) to the north and east, a vacant lot to the immediate west (owned by Hamilton Transit Corporate Center, Inc), and commercial buildings and other industrial properties to the south and southwest.

The Zonolite Company originally leased the site property from Penn Central Transportation Corp. (Penn Central) for the time period 1948 - 1963. W.R. Grace subsequently acquired the Zonolite Company through a merger in April 1963, while also leasing the same Penn Central property at 35 Industrial Drive from 1963 to 1994. Both the Zonolite Co. and W.R. Grace utilized the Site to make vermiculite-based products such as structural fireproofing, thermal insulation for masonry products, lightweight concrete aggregates, and horticultural vermiculite. Most of the raw vermiculite concentrates (unexpanded) were received from the Zonolite/W.R. Grace mine in Libby, Montana.

As a result of an actual and/or threatened release, the threat of exposure to the general population and the work force population in the immediate vicinity exists through direct contact and subsequent inhalation of amphibole asbestos fibers. The conditions at the Site present an imminent and substantial threat to human health and the environment.

Asbestos is a hazardous substance as defined by 40 CFR Section 302.4 of the NCP. As a result of the presence of asbestos in surface and subsurface soils at the Site, there has been an actual and/or threatened release of hazardous substances into the environment. Amphibole asbestos and serpentine asbestos have been detected at this Site. Asbestos is of potential concern because chronic inhalation exposure to excessive levels of asbestos fibers suspended in air can result in lung disease such as asbestosis, mesothelioma, and lung cancer.

The route of exposure that represents the greatest health concern is the inhalation of airborne fibers, dispersed from soil by the action of pedestrian or vehicular traffic and wind dispersion. In addition to the dispersion of fibers into the air, the frictional forces of

foot and vehicular traffic on these surfaces would be expected to facilitate the breakdown of the amphibole asbestos bundles into smaller and more respirable fibers over time.

Based upon analytical data generated from the three previous EPA sampling events, an Action Memorandum was prepared for a time critical removal action to mitigate the threats posed to human health from the amphibole asbestos fibers and also initiate negotiations with potentially responsible parties (PRPs) to determine their willingness and financial capability to conduct this action. The Action Memorandum for this site was approved by the ERRD Director on November 6, 2002. After negotiations between the EPA and RPs, the RPs requested that the work be performed in two separate phases, herein designated as the Phase I and Phase II areas. Both the Phase I and Phase II area removal actions are performed under separate Administrative Orders on Consent (AOC).

This POLREP refers to information and work being performed in the Phase II area. This is the second action being conducted by the RPs at this site. On-site removal activities were completed for the Phase I removal area in April 2004, however the official completion date was not until June 30, 2005. Additional work, as identified in the Phase I area AOC, included sampling and analyses on certain contiguous properties to Lots 19.01 and Lot 19.02, and development and EPA approval of the Phase II area work plan. The Phase II area encompasses Amtrak Block 1581/Lot 19.02, Amtrak Block 1508/Lot 17 (the Millham yard), and Block 1581/Lot 25 owned by Hamilton Transit Corporate Center, Inc.

### **III. RESPONSE INFORMATION**

#### **A. Planned Removal Activities**

The Phase II area Administrative Order on Consent, CERCLA Docket No. 02-2006-2017, was signed by both Amtrak and American Premier Underwriters on September 28, 2006. The effective date of the order is September 29, 2006. Both Amtrak and American Premier Underwriters, participating responsible parties, voluntarily agreed to perform the work in the designated "*Phase II Area*" outlined in this AOC.

This Responsible Party (RP) removal action will reduce the threat to human health posed by asbestos contaminated soils. The scope of work for the RPs includes the removal and disposal of large trees and vegetative brush in the proposed Phase II excavation areas, excavation of asbestos contaminated soils to a depth of two feet below ambient grade, off-site transportation and disposal of asbestos contaminated soil and debris, backfill of all excavated areas with virgin, certified clean soil, or dense grade aggregate (DGA), followed by compaction and grading to allow proper water drainage. Additionally, some areas within the main excavation area may require restoration of wetlands.

Implementation of engineering measures to control dust (dust suppression with water), collection of perimeter air samples for analysis by phase contrast microscopy (PCM) and particulate monitoring by DataRam 4000 monitors; analysis of soil samples (post excavation sampling) using CARB 435 PLM methodology and EPA 600R TEM methodology, will also be performed prior to backfill and final restoration.

**B. Current Activities (Reporting Period 8/20 -9/10/07)**

Site activities resumed on August 20, 2007 after being indefinitely suspended since November 6, 2006 due to a flooded excavation floor from excessive rainfall and a high seasonal groundwater table. Water depths in the excavation area ranged from 1-2½ feet deep over the winter 2006 and spring 2007. The area had completely dried (seasonal drop in the water table and evaporation) out during the mid summer months of 2007, allowing the opportunity to resume site operations in late August 2007.

Post excavation soil sampling of the main excavation area was performed on the first day of re-mobilization (August 20, 2007), after the indefinite site shutdown which occurred due to frequent precipitation events and the seasonal high water table. The RPs consultant, Roux Associates, collected 38 samples from designated grid locations and wall samples where appropriate, from within the grid cells. Duplicate samples were also collected for QA/QC purposes. Weston RST collected 19 split soil samples from the Roux Associates set and one duplicate for QA/QC. All samples were submitted to EMSL for CARB 435 PLM analyses with 400 point count.

Preliminary PLM analytical data was received for both Weston and Roux Associates samples, during the time period September 4 – 10, 2007. All data was reported as **ND (none detected)**. After the PLM results were received, EPA 600/R-93/116 TEM analytical method was also run from this set of samples. Four samples each (Roux and Weston) were analyzed by the TEM method. This data is still pending receipt from the lab. Upon receipt of this data and a full deliverables package, for both PLM and TEM, the data will undergo QA/QC validation by Weston.

EPAs Public Affairs Division (PAD) prepared an updated community relations fact sheet and distributed it via the USPS and electronically, to many of the concerned stakeholders (local, State, and Federal). This fact sheet is an update of EPAs plan to resume site operations after the long delay. The local newspaper, Trenton Times, was also contacted. An article was prepared by the Trenton Times and placed in the newspaper shortly after the resumption of site activities. Commercial businesses along Sixth Ave and Industrial Drive were provided hand delivered copies of the community relations fact sheet, by EPA personnel and Weston RST. Hard copies were also mailed by PAD to the residential community bounded by Whitehead Road, Assunpink Blvd, and 1<sup>st</sup> – 7<sup>th</sup> Avenues.

Full scale site operations did not actually begin until August 28<sup>th</sup> because of another rain delay. This time rain fell for four (4) straight days (August 19 – 22), adding another delay to the project. Due to the persistent rainfall, 2.4" in four days, productive backfilling could not be conducted until August 28<sup>th</sup>. Clean, virgin backfill soils were obtained from Herman Liedtka of Crosswicks, NJ. During the time period, August 28<sup>th</sup> – September 5<sup>th</sup>, 204 loads, estimated to be 3930 yd<sup>3</sup>, were delivered to the site. The material was spread in one foot lifts and compacted with a smooth roller. The entire area was covered with a minimum of two feet of soil and rough graded. As per Amtrak's direction to their contractor, PSC backfilled the area to meet the minimum two foot cover requirement as specified in the EPA approved work plan. The main Phase II area was not brought back to pre-existing grade, however, the two foot minimum cover requirement was met as per daily survey measurements made by Amtrak's consultant (Roux Assoc). The virgin, clean soil was spread with a dozer, compacted with a drum roller, and rough

graded. The area was only rough graded (rather than smooth graded) to allow for easier seed germination of the hydroseeding mix.

Final vegetative restoration, by hydroseeding, is expected to occur the week of September 24, 2007 and will complete all on-site activities.

C. Next Steps

Upon receipt of the full PLM and TEM analytical data packages from EMSL, for both Weston and Roux Associates collected samples, the data will undergo QA/QC validation by Weston RST.

Hydroseeding of the backfilled areas is still pending. This task is expected to take place the week of September 24, 2007. After hydroseeding, the Hamilton Township Engineer will be invited to the site for a site tour and final briefing of all site activities.

D. Key Issues

Hydroseeding, to complete the restoration portion of the removal action, is still pending. The subcontractor originally selected to provide this task was a "no show/no call" and the second lowest bidder was selected by PSC to perform this last field task. Hydroseeding is expected to take place the week of September 24, 2007.

The base of the main excavation area remained heavily laden with waste vermiculite. However, all PLM results reported by the private lab, EMSL were reported as ND. Backfilling operations began immediately following sample collection. The entire area was backfilled with a minimum of two (2) feet of clean virgin soils from Herman Liedtka located in Crosswicks, NJ.

The Hamilton Township Engineer was updated of on site operations, specifically sampling and analysis, and backfilling progress during the re-mobilization phase of this removal action.

EPAs Public Affairs Division (PAD) prepared an updated community relations fact sheet and distributed it via the USPS and electronically, to many of the concerned stakeholders (local, State, and Federal). This fact sheet is an update of EPAs plan to resume site operations after the long delay. The local newspaper, Trenton Times, was also contacted. An article was prepared by the Trenton Times and placed in the newspaper shortly after the resumption of site activities. Commercial businesses along Sixth Ave and Industrial Drive were provided hand delivered copies of the community relations fact sheet, by EPA personnel and Weston RST. Hard copies were also mailed by PAD to the residential community bounded by Whitehead Road, Assunpink Blvd, and 1<sup>st</sup> – 7<sup>th</sup> Avenues.

IV. COST INFORMATION

Since this is a RP removal action, actual removal costs will not be known until completion of all removal activities and a final report is prepared by Amtrak's consultant, Roux Associates.

**V. DISPOSITION OF WASTES**

WASTE STREAM	MEDIUM	QUANTITY	CONTAINMENT- MIGRATION CONTROL	TREATMENT	DISPOSAL
N/A	N/A	N/A	N/A	N/A	N/A